IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 19th, 2006

Criminal Misc. Bail Application No.242 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Chandra Prakash Mourya @ Banti @ Ravi Chandra
S/o Shri Bainke Lal
R/o Maswasi
P.S. Swar
District Rampur, U.P. …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No.1328 of 2005
Under Sections 364A, 395 IPC & 2/3 Gangster Act
P.S. Khateema
District U. S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri M. S. Pal learned senior counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was further contended that the FIR vshows that the complainant was not known to the person who telephoned him. It was further contended that even if he purported to be a businessman of Ghee, the complainant came to India from Nepal without verifying the facts. It was contended that the complainant was not aware about the applicant, how he could reveal the exact name of the accused alongwith their parentage and addresses. FIR shows that the complainant was taken towards Baheri, where a demand of Rs. 1 lac was made. Thereafter, the complainant was a released to bring the money. Instead of reporting the matter to the police station, he went to Nepal and brought money from there. Even he did not inform the police in this regard. It was also contended that the police on its own accord came at the spot and started firing there. It was contended that the story is completely unbelievable. Considering the contentions, facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 19.04.2006 **(J.C.S. Rawat, J.)**